

Ordinance No. 16869-03-2006

AN ORDINANCE INCREASING ESTIMATED RECEIPTS AND APPROPRIATIONS IN THE GENERAL FUND IN THE AMOUNT OF \$35,000 FROM AVAILABLE FUNDS FOR THE PURPOSE OF FUNDING AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE BURLINGTON NORTHERN SANTA FE RAILWAY TO CLOSE THE RAILROAD CROSSING ON A PORTION OF THE 2200 BLOCK OF JENNINGS AVENUE, FROM CARLOCK STREET TO A POINT 60 FEET SOUTH OF CARLOCK STREET, ADJACENT TO THE HEMPHILL HEIGHTS ADDITION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That in addition to those amounts allocated to the various City departments for Fiscal Year 2005-2006 in the Budget of the City Manager, there shall also be increased estimated receipts and appropriations in the General Fund in the amount of \$35,000 from available funds for the purpose of funding an agreement with the Texas Department of Transportation and the Burlington Northern Santa Fe Railway to close the railroad crossing on a portion of the 2200 block of Jennings Avenue, from Carlock Street to a point 60 feet south of Carlock Street, adjacent to the Hemphill Heights Addition.

SECTION 2.

That should any portion, section or part of a section of this ordinance be declared invalid, inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way impair the remaining portions, sections, or parts of sections of this ordinance, which said remaining provisions shall be and remain in full force and effect.

SECTION 3.

~~That this ordinance shall be cumulative of Ordinance No. 16582 and all other ordinances and appropriations amending the same except in those instances where the provisions of this ordinance are in direct conflict with such other ordinances and appropriations, in which instance said conflicting provisions of said prior ordinances and appropriations are hereby expressly repealed.~~

SECTION 4.

This ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

  
Assistant City Attorney

ADOPTED AND EFFECTIVE: March 28, 2006

**City of Fort Worth, Texas**  
**Mayor and Council Communication**

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**COUNCIL ACTION: Approved on 3/28/2006 - Resolution No. 3328-03-2006, Ordinance No. 16868-03-2006 & 16869-03-2006**

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**DATE:** Tuesday, March 28, 2006  
**LOG NAME:** 20BNSF JENNINGS

**REFERENCE NO.: \*\*C-21366**

**SUBJECT:**

Adopt a Resolution, Authorize an Agreement with the Texas Department of Transportation and BNSF Railway to Close a Portion of Jennings Avenue to Remove the Railroad Crossing, and Adopt Appropriation Ordinances

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**RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt the attached resolution closing a portion of the 2200 block of Jennings Avenue, from Carlock Street to a point 60 feet south of Carlock Street, adjacent to the Hemphill Heights Addition, Fort Worth, Texas. The actual recommended physical closure is adjacent to both sides of the Burlington Northern & Santa Fe Railway Company (BNSF Railway) railroad crossing;
2. Authorize the City Manager to enter into an agreement with the Texas Department of Transportation (TxDOT) and the BNSF Railway to close the railroad crossing on Jennings Avenue to vehicular and pedestrian traffic in which TxDOT would reimburse the City up to \$150,000 to be used for the installation of roadway closure barricades and street improvements, and also for additional railroad crossing improvements in conjunction with the future North Central Texas Council of Governments Railroad Crossing Reliability Partnership Program Grant (NCTCOG Railroad Grant);
3. Authorize the City Manager to accept a donation of \$50,000 from the City of Duncanville for use as matching funds toward the future NCTCOG Railroad Grant;
4. Adopt the attached appropriation ordinance increasing the estimated receipts and appropriations in the Street Light and Signal Improvements Fund in the amount of \$200,000 from available funds;
5. Authorize the City Manager to accept a donation of \$35,000 from BNSF Railway for use on TPW railroad and other project expenses; and
6. Adopt the attached supplemental appropriation ordinance increasing the estimated receipts and appropriations in the General Fund in the amount of \$35,000 from available funds.

**DISCUSSION:**

This BNSF Railway grade crossing on Jennings Avenue was evaluated by TPW for neighborhood traffic and emergency vehicle access. To promote safety, TPW recommends closing a portion of Jennings and thus eliminating the railroad crossing. City staff has negotiated a contract with TxDOT and BNSF Railway for the closure of the railroad crossing.

Both TxDOT and BNSF are promoting these types of closures. As an incentive to close this particular

railroad crossing, TxDOT and BNSF (through funds owed to them by Duncanville) are offering contributions totaling \$235,000. These funds will be used to pay for the closure itself (about \$20,000 to close Jennings with barricades and street work) and for the City's match on upcoming NCTCOG Railroad Grant projects. This grant project will develop quiet zones for five railroad crossings on the railroad line in this area around Hemphill Street. In order to accomplish the closure project the proposed agreement will include the following terms:

- The City will close a portion of the 2200 block of Jennings Avenue so the railroad crossing closure will be permanent. The request to close this portion of Jennings Avenue was recommended for approval by the City Plan Commission on March 24, 2004. Reviewing City departments have no objection to this request;
- TxDOT will reimburse the City up to \$150,000 for the necessary improvements to complete the closure and for additional rail crossing improvements in conjunction with the future NCTCOG Railroad Grant (this \$150,000 TxDOT reimbursement does not require City matching funds); and
- BNSF and the City of Duncanville will donate a total of \$85,000 to the City in consideration of the railroad crossing closure expenses, toward the required local match for the future NCTCOG Railroad Grant project, and for TPW project expenses.

This property is located in COUNCIL DISTRICT 9.

#### **FISCAL INFORMATION/CERTIFICATION:**

The Finance Director certifies that upon adoption of the attached appropriation ordinance and completion of the above recommendations, funds will be available in the current capital budget, as appropriated, of the Street Light and Signal Improvements Fund and in the current operating budget, as appropriated, of the General Fund. TPW will be responsible for the collection and deposit of funds due to the City under this agreement.

#### **TO Fund/Account/Centers**

#### **FROM Fund/Account/Centers**

4.) C201 451942 20 9 75 00260 80	\$150,000.00
4.) C201 511010 20 9 75 00260 80	\$1,000.00
4.) C201 522030 20 9 75 00260 80	\$1,000.00
4.) C201 523010 20 9 75 00260 80	\$1,000.00
4.) C201 523040 20 9 75 00260 80	\$1,000.00
4.) C201 524010 20 9 75 00260 80	\$1,000.00
4.) C201 533030 20 9 75 00260 80	\$100.00
4.) C201 533040 20 9 75 00260 80	\$100.00
4.) C201 533120 20 9 75 00260 80	\$100.00
4.) C201 537110 20 9 75 00260 80	\$20,600.00
4.) C201 541200 20 9 75 00260 80	\$124,000.00
4.) C201 488100 20 9 75 00260 10	\$17,000.00
4.) C201 488100 20 9 75 00260 30	\$33,000.00
4.) C201 511010 20 9 75 00260 10	\$400.00
4.) C201 522030 20 9 75 00260 10	\$5,000.00
4.) C201 522500 20 9 75 00260 10	\$100.00
4.) C201 523040 20 9 75 00260 10	\$5,000.00
4.) C201 524010 20 9 75 00260 10	\$100.00
4.) C201 531530 20 9 75 00260 10	\$100.00

4.) C201 535060 20 9 75 00260 10	\$1,000.00
4.) C201 536010 20 9 75 00260 10	\$100.00
4.) C201 537070 20 9 75 00260 10	\$100.00
4.) C201 541370 20 9 75 00260 10	\$100.00
4.) C201 531200 20 9 75 00260 30	\$33,000.00
6.) GG01 488100 0204001	\$35,000.00
6.) GG01 539120 0204001	\$35,000.00
4.) C201 533010 20 9 75 00260 80	\$100.00
4.) C201 521010 20 9 75 00260 10	\$5,000.00

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**Submitted for City Manager's Office by:**

Marc Ott (6122)

**Originating Department Head:**

Robert Goode (7804)

**Additional Information Contact:**

Russ Wiles (7978)

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